

BILL BRADBURY
SECRETARY OF STATE



JOHN LINDBACK
DIRECTOR

141 STATE CAPITOL
SALEM, OREGON 97310-0722

ELECTIONS — (503) 986-1518

June 13, 2006

Eva Marie Breshears
660 Albany
Elgin OR 97827

RE: Final Determination of Possible Election Law Violation

Dear Ms. Breshears:

On February 21, 2006, this office notified you that a written complaint had been received by the Secretary of State, Elections Division, alleging possible violations of Oregon election law. The complainants, Joe Garlitz and Jerry Harris, alleged that you did not personally witness all the signatures on the recall petition you circulated for the recall of Joe Garlitz, Elgin City Recorder/Administrator.

Response to inquiry:

When you signed the circulator's certification, the statement you attested to states, in part, "I hereby certify every person who signed this sheet did so in my presence and I believe each person is a qualified voter in the county/city/district..." Your signature on this circulator's certification is subject to the election law prohibiting false swearing on an election document, ORS 260.715(1).

On March 20, 2006, this office sent you a letter of inquiry and we received your response on March 29, 2006. In your response you stated that your son took you to every door and was with you as you collected the signatures. Further, you explained that since it was the second time that you had had to collect signatures, you wanted to do it all yourself.

We sent more than 60 inquiry letters to petition signers and asked them to explain where and when they signed the recall petition and who was circulating the sheet they signed. Our office received 25 responses and only one respondent stated that you were not present when they signed the petition.

Per the addition letter of concern submitted by Jerry Harris, an inquiry letter was sent to Robert Ahlbrant. He was asked to respond by May 10, 2006, but a response was not received.

Determination:

We have reviewed all the information submitted in consultation with our legal counsel from the Attorney General's office. We find that the evidence is insufficient to find that you violated Oregon election law. This office does not pursue such cases unless evidence of intentional fraud is seen. For informational purposes, it is mentioned that signing a false affidavit can be prosecuted as a Class C felony if intentional fraud is suspected.

Eva Marie Breshears

June 13, 2005

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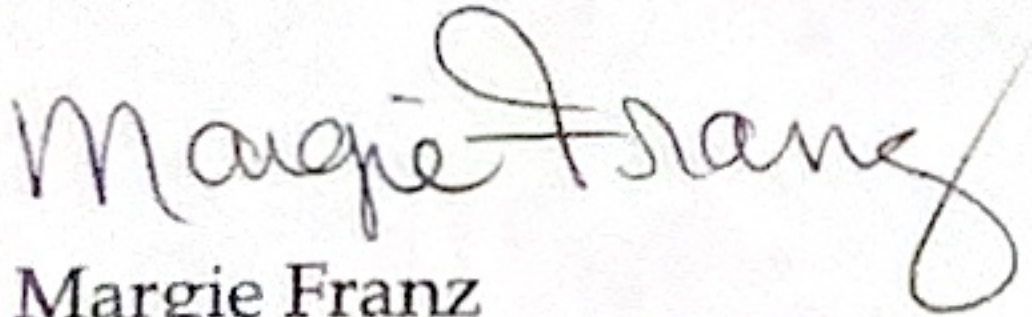
Our investigation revealed no evidence to indicate that you knowingly, falsely signed the circulator's certification and therefore did not violate election law. For this reason, we do not intend to pursue the matter further.

Additional Information:

The Secretary of State is charged by law with protecting the integrity of Oregon's election process. We have reviewed this matter because we believe that any possible violation of election law is serious enough to merit an investigation. Every person who participates in the political process has a responsibility to ensure that his or her activities comply with the law.

If you have any questions, please call this office. Thank you.

Sincerely,



Margie Franz
Compliance Specialist

Case no. 2006-038

c: Joe Garlitz
Jerry Harris